



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Jands, Inc.-Reconsideration

**File:** B-260135.2

**Date:** June 7, 1995

---

### DECISION

Jands, Inc. requests reconsideration of our April 5, 1995, dismissal of its protest of the award of a contract to Severn Graphics, Inc. under program No. C2-S issued as an invitation for bids (IFB) by the Government Printing Office. We dismissed the protest because (1) an agency may properly accept a below-cost offer, (2) we will not review an allegation that a competitor made a mistake in its bid, (3) we will not review a contracting officer's affirmative determination of responsibility, and (4) an issue concerning the agency's use of a phrase with a slash between two words involved a solicitation ambiguity that should have been raised prior to bid opening.

On reconsideration, Jands asserts that "there certainly was no patent ambiguity raised by the use of slash." Jands states that it realized the possibility of an ambiguity only after it saw the other bids submitted with their very low prices.

We do not agree that the IFB was not patently ambiguous. The record showed that Jands queried the agency as to the meaning of the provision in question, and that the agency did not provide a definitive answer. Jands thus appeared to recognize the possibility that the provision was subject to more than one interpretation. Rather than formally seeking clarification of or protesting the provision, however, the protester relied on its interpretation in formulating its bid. This it may not do.

The dismissal is affirmed.

*Ronald Berger*

Ronald Berger  
Associate General Counsel

063810/154452